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5                   **UNITED STATES DISTRICT COURT**  
6                   **EASTERN DISTRICT OF WASHINGTON**

7                   **CLARENCE WESLEY HURT, III,**

8                   Plaintiff,

9                   vs.

10                  **SPOKANE COUNTY SHERIFF'S**  
11                  **DEPARTMENT and SPOKANE**  
12                  **COUNTY SHERIFF'S**  
13                  **DEPARTMENT,**

14                  Defendants.

15                  NO. CV-08-361-RHW

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17                  **ORDER DENYING MOTION**  
18                  **FOR RECONSIDERATION**

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20                  Before the Court is Petitioner's handwritten letter, which has been construed  
21                  as a motion for reconsideration (Ct. Rec. 41). Because this motion was filed more  
22                  than ten days after the entry of judgment dismissing Petitioner's Petition for Writ  
23                  of Habeas Corpus, it is untimely and cannot be considered under Fed. R. Civ. Pro.  
24                  59(e). The Court thus construes Petitioner's motion as a Motion for Relief from a  
25                  Final Judgment under Fed. R. Civ. Pro. 60(b). Petitioner argues that the Court's  
26                  order to amend or voluntarily dismiss his complaint was erroneous because  
27                  requiring Petitioner to name all Defendants in the caption of his complaint is  
28                  contrary to Supreme Court precedent, citing *Jones v. Bock*, 549 U.S. 199 (2007).  
                *Jones* deals with exhaustion requirements under the Prison Litigation Reform Act,  
                and is inapposite here. Because the motion fails to present any new evidence,  
                identify a change in controlling law, or identify any clear error in this Court's entry  
                of judgment, reconsideration is unnecessary. *See, e.g., Nunes v. Ashcroft*, 375 F.3d  
                805, 808 (9<sup>th</sup> Cir. 2004).

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**ORDER DENYING MOTION FOR RECONSIDERATION \* 1**

Accordingly, **IT IS HEREBY ORDERED** that Petitioner's Motion for Reconsideration (Ct. Rec. 38) is **DENIED**.

**IT IS SO ORDERED.** The District Court Executive is directed to enter this Order and forward a copy to Petitioner.

**DATED** this 22<sup>nd</sup> day of June, 2009.

S/ Robert H. Whaley

ROBERT H. WHALEY  
Chief United States District Judge

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